IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.160 OF 2004

Shri. Prakash Vasant Petkar & Ors., ..Appellants
V/s
Smt. Parvatibai Baburao Murkute ..Respondents
and Ors.,

Mr. H.E. Palwe for the Appellants.
Mr. Ashwin R. Kapadnis i/b Mr.Sali for the Respondents.

CORAM: A.S.OKA,J.
DATE : 05.05.2005.

P.C.:

1. Heard Advocates appearing for the parties. The Appeal is by unsuccessful original plaintiff. The suit filed by the Appellants for specific performance of the agreement dated 18th March 1990 has been dismissed by the Trial Court. The Appellate Court has confirmed the decree of the Trial Court.

2. After having heard Advocates appearing for the parties I find that there is no error in view taken by the Courts below. On the basis of the oral and documentary evidence on the record the Courts below have held that Appellants/ plaintiffs have failed to prove the existence of the suit agreement.

3. Even assuming that a different view can be taken on the basis of evidence on record, no interference can be made under Section 100 of the Code of Civil Procedure, 1908. No substantial question of law arises. Second Appeal is dismissed. No orders as to cost.

JUDGE